IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
FIRST APPEAL NO.120 OF 1993
WITH CROSS OBJECTION

The State of Maharashtra
(Through the Special Land
Acquisition Officer, Metro Centre
No.1, Panvel) ...Appellant.

V/s.

Shri Vijay Kashinath Bhosale
age 35 years ; Occupation: Agril.:
and Service, R/o. Bhingari, Tal.Panvel,
District Raigad. ...Respondent.
(Orig.Claimant)

Shri A.R.Patil, A.G.P. for the State.
Ms.Leena Patil h/for P.M.Pradhan for the Respondent.

CORAM: A.V.MOHTA, J.
DATE : 21st December, 2005.

P.C.:

1. This is the State Government Appeal whereby challenge has been made to the judgment and order dated 4/9/91 passed by the IIIrd Additional District Judge, Raigad, at Alibag whereby enhanced compensation at the rate of Rs.20/- per square metre has been granted. Land in question is admittedly of village Kalundre, Taluka: Panvel, District: Raigad.

2. Heard the learned Counsels appearing for the Parties. The State Government is aggrieved by the enhanced compensation at the rate of Rs.20/- per square

metre and preferred this Appeal. Whereas, the Claimant/Respondent aggrieved by the said rate and in their Cross Objection to the First Appeal claims Rs.40/- per square metre as prayed in their Application for enhancement. In **Govind Kanu Madhavi since deceased through his LRs. Kamal Dattu Madhavi and Others v. Special Land Acquisition Officer, Panvel** Maharashtra Law Journal Page 216, Single Judge of the Bombay High Court after considering the Division Bench judgment in First Appeal No.757 of 2003 (F.I.Rebello & S.R.Sathe, JJ.) dated 31st March, 2004 in the matter of land similarly situated from village Kalundre, Taluka: Panvel, District: Raigad granted compensation at the rate of Rs.25/- per square metre, however, deducted Rs.2/- per square metre towards the development charges. Therefore, the net market price of the land modified at Rs.23/- per square metre.

3. Both the Advocates conceded in view of this judgment. No further discussion is necessary as land is of the same village Kalundre , the rate as awarded in Govind Kanu Madhavi (Supra) can be awarded in the present matter also. Facts and circumstances if taken note of as stated by the learned trial judge, I see there is no reason to reassess the case as sought to be contended by the Parties. This judgement according to me covers the

issues and also the rate as awarded. In view of this, Appeal filed by the State is dismissed . Cross objection filed by the Respondent/Appellant is allowed only to the following extent. Rest of the order of the Lower Court needs to be maintained as it is subject to enhanced rate of compensation, i.e., Rs.23/- per square metre. In view of this, the claimant/Respondent is entitled for compensation at the net market price of Rs.23/- per square metre and all the consequential benefits arising out of the said.

4. Appeal and Cross Objection are disposed of accordingly.

(ANOOP.V.MOHTA,J.)